

STATE WATER BOARD

RESOLUTION NO. 2005-0019

ADOPT AMENDMENTS TO THE POLICY FOR IMPLEMENTATION OF TOXICS STANDARDS FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA (SIP)

WHEREAS:

1. In March 2000, the State Water adopted the SIP, which implements criteria for priority toxic pollutants contained in the California Toxics Rule promulgated by the U.S. Environmental Protection Agency (USEPA) as well as other priority toxic pollutant criteria and objectives.
2. Section 303 of the federal Water Pollution Control Act (Clean Water Act) mandates that water quality standards be reviewed and revised, as necessary, at least once every three years. As part of the standards development program, the State Water Board periodically review its policies.
3. In October 2002, the State Water Board solicited comments on potential revisions to the SIP.
4. In December 2002, approximately 313 comments were received from 26 individuals and organizations.
5. State Water Board staff reviewed, carefully considered, and responded to all comments received.
6. State Water Board staff prepared an August 2003 report that contains recommendations for revisions to the SIP. Staff's recommended revisions are those that will improve the SIP's clarity and functionality and that can be made in a reasonable amount of time with existing resources.
7. The State Water Board notified interested parties of its recommended SIP revisions and provided an additional 30-day comment period.
8. The State Water Board held a public workshop on September 30, 2003 regarding issues to be addressed in future SIP amendments.
9. The State Water Board adopted Resolution No. 2003-0070 authorizing staff to prepare draft amendments and support documents to the SIP on October 15, 2003.
10. State Water Board staff completed the revisions to the SIP and provided a functional equivalent document for public review on December 15, 2004.
11. In January 2005, public comments were received from six organizations regarding the proposed amendment documents.
12. The State Water Board held a public hearing on February 2, 2005 regarding the proposed SIP amendments and addressed public comments.

13. In Order WQO 2003-0012, the State Water Board determined that (1) the propriety of including numeric effluents for chronic toxicity in NPDES permits for publicly-owned treatment works should be considered in a regulatory setting, in order to allow for full public discussion and deliberation; and (2) the SIP be modified to specifically address the issue.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts amendments to the SIP (Attachment A) that:
 - a. Allow water effects ratios to be established in individual National Pollutant Discharge Elimination System permits, rather than in the Basin Planning process as currently required.
 - b. Eliminate the reasonable potential trigger for situations where ambient background pollutant concentrations are greater than a priority pollutant objective or criterion.
 - c. Make non-regulatory language corrections to improve clarity.
 - d. Add mutual water companies to section 5.3 (exceptions).
2. Authorizes the State Water Board Executive Director to sign the Certificate of Fee Exemption (Attachment B).
3. Authorizes the State Water Board Executive Director or designee to submit the SIP revisions to the Office of Administrative Law and the USEPA for final approval.
4. Directs staff to introduce an amendment to the SIP to address narrative toxicity control provisions by January 2006.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on February 24, 2005.


Debbie Irvin
Clerk to the Board